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PART – I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

S.C.O. NO. 16-17, SECTOR 20D, CHANDIGARH

Notification

The 18th May, 2017

No. SEC/3ME/2017/771.— Whereas, the Superintendence, direction and control of all elections to Municipalities in the State of Haryana are vested in the State Election Commission by the Constitution of India and the Haryana Municipal Act, 1973 (Haryana Act No.24 of 1973);

AND, whereas the State Election Commission being deeply aware of the increasingly vitiative role of unaccounted financial resources in election and the fragility of existing Law in curbing such vitiation, and to render the accounts of election expenses, it is necessary and expedient to provide, in the interest of purity of elections to the Municipalities in the State of Haryana and in the interest of conduct of such elections in fair and efficient manner and ways and means to render the accounts of expenditure at an elections by the contesting candidate in relation thereto and for matters connected therewith;

Now, therefore, in exercise of the powers conferred under Article 243ZA of the Constitution of India and Section 3A and 13E of the Haryana Municipal Act, 1973 all other powers enabling it in this behalf and in supersession of the Haryana Municipal Election Expenditure (Maintenance and submission of Accounts) order, 2006 the State Election Commission, Haryana hereby makes the following order:-

1. Short title, extent, application and commencement:-

- (1) This order may be called the Haryana Municipal Election Expenditure (Maintenance and submission of accounts) Order, 2017.
- (2) It shall extend to the whole of Haryana State in relation to elections in all Municipalities.
- (3) It shall come into force on the date of its publication in the Haryana Government Gazette which date is hereinafter referred to the commencement of this order.

2. Definition and Interpretation:-

- (1) In this order unless the context otherwise required:-
 - (a) “ACT” means the Haryana Municipal Act, 1973 (Haryana Act No.24 of 1973) ;
 - (b) “ELECTION EXPENDITURE” means any expenditure incurred or authorised by a candidate or his election agent in connection with the election between the dates on which he has filled his/her nomination and the date of declaration of results thereof both days inclusive;

(c) "MUNICIPALITY" means an Institution of Self Government constituted under Section 2(A) of the Haryana Municipal Act, 1973 which may be a Municipal Committee or Municipal Council ;

(d) "RULE" means the Haryana Municipal (Election) Rules, 1978 ;

(e) "SECTION" means the Section of the Haryana Municipal Act, 1973;

(f) "STATE ELECTION COMMISSION" means the State Election Commission, Haryana constituted under Article 243K and 243ZA of the Constitution read with and Section 3A of the Acts.;

(g) "SUB-PARAGRAPH" means a sub paragraph of the paragraph in which the word occurs; and

(2) Words and expressions used but not defined in this Order but defined in the Re-presentation of the People Act, 1950 or Rules made thereunder or in the Representation of the People Act, 1951 or the Rules made thereunder or the Haryana Municipal Act, 1973 or the Rules made thereunder shall have meaning respectively assigned to them in these Acts and Rules.

(3) In the absence of such definition the Punjab General Clauses Act, 1898, (Punjab Act No.1 of 1898) shall as far as may be, apply in relation to the interpretation of this Order as it applies in relation to the interpretation of a Haryana Act.

3. **Notification by State Election Commission to prescribe the election expenditure limit**:- For the purpose of this Order the State Election Commission shall notify under sub section (3) of section 13E of the Act from time to time the election expenditure limit at an election to be incurred by a candidate or his authorised election agent.

4. **Maintenance of election expenditure account**:- For the purpose of this Order every contesting candidate at an election shall have to maintain the day to day election expenditure account in accordance with the procedure laid down in Para 5 of this Order. The Returning Officer shall in writing as given in Annexure-I give a notice to the contesting candidate regarding maintenance of Election Expenditure account in the manner prescribed therewith.

5. **The election expenditure shall be maintained in accordance with the procedure laid down below**:-

(1) A register in a standard proforma as shown in Annexure 1 to this order shall be issued to each candidate by the Returning Officer immediately after his nomination for keeping the day to day record of expenditure.

(2) The register shall be duly authenticated by the Returning Officer at the time of issue.

(3) All day to day account shall be faithfully recorded in this register and in no other document by the candidate or his agent authorised by him in this behalf.

(4) All documents such as vouchers, receipts, acknowledgements etc. in support of the expenditure incurred shall be obtained from day to day as the expenditure is incurred and maintained in the correct chronological order alongwith the aforesaid register.

(5) (a) The day to day account maintained in the aforesaid register together with the supporting documents shall be made available for inspection at any time during the process of election by the Deputy Commissioner, Returning Officer, Election Expenditure Observer appointed by the Commission or any other such authority nominated by the Commission in this behalf.

(b) Failure to produce this register on demand by the authority mentioned in (a) above will be considered as a major default.

(6) (a) Each contesting candidate shall also maintain account of election expenditure in the proforma as per Annexure III to this Order for showing the total expenditure on various items listed therein and shall within 30 days from the date of declaration of the result of the election lodged with the Deputy Commissioner or any other officer, in duplicate, as authorised by the state election commission by his election agent in the proforma at Annexure-III. The Deputy Commissioner or any other officer as authorised by the state election commission shall check account of election expenses and a copy of Election Expenditure Statement submitted by the candidates shall be sent to this Commission within seven days from the date of filing such account and the list of contesting candidates who had not submitted his account of election expenses in time and who has made excess expenditure beyond of expenditure limit fixed by the State Election Commission.

(b) The Deputy Commissioner or the Officer authorised in sub-para(a) above shall, within 2 days from the date on which the account of election expenses have been lodged by a candidate under sub-para(a) above, cause a notice to be affixed to the notice board of his office specifying—

(i) the date on which the account has been lodged;

(ii) the name of the candidate ; and

(iii) the time and place at which such accounts can be inspected.

- (c) Any person shall on payment of a fee of Rs.5 be entitled to inspect any such account and on payment of such fee as may be fixed by the State Election Commission in this behalf be entitled to obtain attested copies of such account or of any part thereof.
- (7) (a) While lodging the account of election expenditure the candidate shall file the prescribed register as a part of the record.
- (b) Each candidate while lodging the returns of his election expenditure shall also file an affidavit on oath as in Annexure-IV that the expenditure shown as nil, if any, on items listed in the proforma or left blank therein, has not been incurred by him, the affidavit will also clearly state that all election expenditure on listed items relating thereto has been completely and unexceptionally included in the return and there is nothing that has not been disclosed.
- (8) A register in a standard proforma as shown in Annexure-II, Proforma as at Annexure-III and specimen of affidavit on oath as in Annexure-IV to this Order shall be issued to each candidate by Returning Officer after filling his nomination for keeping the day to day account of expenditure and for showing the total expenditure on various items.
- (9) Since the return of election expenditure filed by a candidate has to reflect "correct" account of "all" election expenses the Deputy Commissioner or the officer specified in sub-para (a) of para 6 above before accepting the account of the candidate as being in accordance with the manner prescribed, shall conduct such enquiry as he deems necessary and at the time of communicating his report to the Commission, certify to the Commission with reference to the documents filed before him and as verified by him through an appropriate enquiry that the statement of accounts is in the manner prescribed.
- (10) The Commission intends to super-check the authenticity of the returns filed through the above procedure and shall hold the candidate personally responsible for any lapse or misrepresentation.
- (11) Disqualification for failure to lodge account of election expenses.

If the State Election Commission is satisfied that a person:-

- (a) has failed to lodge an account of election expenses within the time and in the manner required under this order ; and
- (b) has no good reason or justification for the failure, the State Election Commission shall by order published in the Official Gazette, declare him to be disqualified and may such person shall be disqualified for a period of five years from the date of the order; under Section 13F of the said Act.
- (12) These directions are absolutely mandatory and cannot be locally ordered or modified in any manner without prior written approval of the Commission. The Deputy Commissioner will not be competent to permit any relaxation.
- (13) **Power of State Election Commission to issue instructions and directions :-** The State Election Commission, Haryana has been authorized under sub-section (2) of Section 13E of the said Act to notify the particulars of the account to be maintained by the contesting candidate and has power to issue instructions and directions:-
 - (a) in relation to any matter with respect to maintenance and submission of election expenditure return, by the contesting candidates, for which this order makes no provision or make, insufficient provision, and provision is in the opinion of the State Election Commission necessary for the smooth and orderly conduct of elections.
- (14) A copy of this order may be made available to the local unit of all recognised National and State Political Parties immediately, and a copy letter in Annexure-I to each candidate or the agent authorised by him at the time of his nomination (repeat nomination and not scrutiny of nominations) under acknowledgement.
- (15) This order may be given to the widest possible publicity through the quickest and all possible means.

ANNEXURE-I

No. _____

To

_____(Name and Address of candidate)

Subject : Maintenance of account of election Expenses and lodging of true copy thereof.

Sir/Madam,

Your attention is invited to Section 13E of the Haryana Municipal Act, 1973 which stipulates that every candidate at an election, shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election between the date on which he has been nominated and the date of declaration of the result thereof, both dates inclusive.

1. Your attention is also invited to sub-section (1) of Section 13E of the said Act which further stipulates that every candidate at an election shall, either himself or by his election agent, keep a separate account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination paper to the date of declaration of the result thereof, both dates inclusive and such account shall be submitted to the Deputy Commissioner concerned within 30 days from the date of declaration of result.
2. Even if a contesting candidate does not seriously contest the election, for any reason whatsoever, and incurs only a nominal expenditure on his security deposit etc., he is required by law to lodge his account of election expenses.
3. A contesting candidate who fails to comply with the requirements of law regarding the lodging of account of election expenses is liable to be disqualified by the State Election Commission under Section 13E read with Section 13F of Haryana Municipal Act for a period of five years.
4. The account of election expenses to be kept by a candidate or his election agent under Section 13E of the Haryana Municipal Act, 1973 shall contain the particulars of expenditure, incurred/authorized from day to day, as per proforma annexed herewith.
5. A Register is being furnished to you herewith. You are required to maintain your day to day account of election expenses in this very Register and in no other document. All supporting vouchers, bills etc., should also be kept along with the Register arranged in proper chronological order at all times. An abstract statement of expenditure is also to be prepared by you after the declaration of result of election.
6. All documents such as vouchers, receipts, acknowledgements etc. in support of the expenditure incurred or authorized shall be obtained on day to day basis and shall be maintained in the correct chronological order along with the Register showing the day to day account.
7. You should make this Register and the supporting documents available for inspection if demanded at any time during the process of election by the Deputy Commissioner, Returning Officer, Election Observer appointed by the State Election Commission or any other such authority nominated by the Commission in this behalf. Failure to produce this Register when demanded will be considered as a major default on your part in maintaining your day to day account and you may render yourself liable to penal action under Section 171-I of the Indian Penal Code.
8. This very Register in which you are to maintain your day to day account of election expenses should itself be filled by you as your account of election expenses after the election as required under Section 13E of the Haryana Municipal Act, 1973 mentioned above. You should keep a copy of the account as maintained in the Register for your record and reference. Along with the register, you must file the above mentioned abstract statement containing details of expenditure, and the same must be supported by an affidavit in the format enclosed. The affidavit should be sworn before a Magistrate of the First Class or an Oath Commissioner or a Notary Public.

9. If you contest election from more than one constituency, you are required to maintain and lodge a separate account of your election expenditure in respect of each such constituency.
10. Kindly acknowledge receipt of the letter along with its enclosures immediately in the enclosed acknowledgment form.

Yours faithfully,

RETURNING OFFICER FOR
Ward No. _____
Municipal Council/Committee _____

* Strike off whichever is inapplicable

Enclosures :

1. Register bearing serial No. _____ containing pages _____ for maintenance of election expenses, along with (i) the format for maintaining the abstract statement of accounts and (ii) the format of affidavit.
2. Extracts of Section 13D, 13E and 13F of the Haryana Municipal Act, 1973.
3. Form of acknowledgment receipt.

Abstract of Section 13D, 13E and 13F of the Haryana Municipal Act, 1973.

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13D Application of certain section of Central Act 43 of 1951 – The provisions of sections 20B, 28A, 33A, 33B, 125A, 134A, 134B, 135B and 135C of the Representation of People Act, 1951 (Central Act 43 of 1951), shall mutatis mutandis apply to the provisions of the Act.

13E Account of election expenses and maximum thereof –

- (1) Every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive.
- (2) The account shall contain such particulars, as may be notified by the State Election Commission in this behalf.
- (3) The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

13F Disqualification for failure to lodge account of election expenses.-

If the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

ANNEXURE-II

PROFORMA FOR THE SUBMISSION OF ELECTION EXPENDITURE

Name of the Candidate : _____

Name of the Political Party, if any : _____

Constituency from which contested : _____

Date of declaration of result : _____

(DAY TO DAY ACCOUNT)									
Date of Expenditure	Name of Expenditure	Amount of _____ paid	Expenditure _____ outstanding	Date of payment	Name and address of payee	Serial No. of voucher in case of an amount outstanding	Serial No. of Bill in case of an amount payable	Name and address of person to whom the amount outstanding is payable	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

Certified that this is a true copy of the
Account kept by me/my election agent.

Signature of the contesting candidate

ACKNOWLEDGEMENT

The account of the election expenses in respect of _____ (Candidate) from _____ (Constituency) result of which was declared on _____(Date) has been filed by him on his behalf on _____(Date) has been received by me today the _____(Date) of _____ (Month) _____(Year)

District Election Officer
District _____

ANNEXURE-III

ABSTRACT STATEMENT OF ELECTION EXPENSES

Item of Expenditure	Quantity/ number	Name of person/ Political Party/ Body/ Association Incurring or Authorising the Expenditure	Amount of Expenditure	Dates(s) of payment	Mode of payment	Evidence of payment	Remarks		
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
29 Remuneration / cost of refreshment to house to house workers									
30 Expenditure on travelling to party head office by public transport									
31 Misc. expenses (other than those listed above)									

Signature of the contesting candidate

N.B.

1. This proforma must be accompanied by an affidavit. No return of expenditure will be accepted as complete without this affidavit.
2. The account shall be countersigned by the candidate if it is lodged by his election agents and should be certified by the candidate to be correct copy of the account kept.

ANNEXURE-IV

Form of Affidavit

Before the Deputy Commissioner _____ (District) Returning Officer for _____ Municipal Council/Committee Ward in the District of _____.

Affidavit of Shri _____ s/o _____.

I _____, Son/Wife/Daughter of _____ aged _____ years _____ resident of _____ do hereby solemnly and sincerely state and declare as under :-

(1) That I was a contesting candidate at the general election/ bye-election to the Municipal Council/Committee of _____ from _____ Ward. The result of which was declared on _____.

(2) That I/My election agent kept a separate and correct account of all expenditure in connection with the above election incurred or authorized by me or by my election agent between _____ (the date on which I was nominated) and the date of declaration of the result thereof, both days inclusive.

(3) That the said account was maintained in the proforma devised by the State Election Commission for the purpose and a true copy thereof is annexed hereto with the supporting vouchers/bills mentioned in the said account.

(4) That the account of my election expenditure as annexed hereto includes all items of election expenditure incurred or authorized by me or by my election agent and nothing has been concealed or withheld/suppressed there from.

(5) That the expenditure which is shown as nil on items listed in Part-II of the account has not been incurred or authorized by me or by my election agent but by others mentioned in the proviso under sub paragraph (I) of para 4 of the order issued by the Commission *vide* its No. _____ dated _____.

(6) That the statement in the foregoing paragraphs (1) to (5) are true to my personal knowledge, that nothing is false and nothing material has been concealed.

DEPONENT

Solemnly affirmed/sworn by _____ at _____ this day _____ 20 before me.

(Signature and seal of the Attesting Authority, *i.e.* Magistrate of the first class or Oath Commissioner or Notary Public).